IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 310 of 2005

Between:

Nirmithi Kendra Thimmapur, Karimnagar District rep by

Secrtary, A.V.R. Ramdev reddy

... PETITIONER

AND

1 The Assistant Provident Fund Commissioner, Sub-Regional

Officer, Warangal
2 The Enforcement Officer, E.P.F.O. District Office, Karimnagar

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari, or any other appropriate Writ, order or direction, declaring the order vide No. AP/SRO/WGL/ENF/KRN/26501/7A Order/2004-05/2830 dt 30-11-2004passed by the first respondent as illegal, arbitrary, without jurisdiction and violation of principles of natural justice and quash the same.

Counsel for the Petitioner: MR.V.CH.NAIDU

Counsel for the Respondents: MR.R.N.REDDY

The Court, at the admission stage, made the following:

ORDER:

An order under Section 14 B 7 (Q) of the Employees Provident Funds and Miscellaneous Act, 1952 (for short 'the Act') was issued to the petitioner company on 30-11-2004 directing to remit an amount of Rs.2,47,574/- towards E.P.F. contributions and Rs.1,74,272/- towards interest. Questioning the said notice on various grounds, the present writ petition is filed.

2. Learned Standing Counsel for respondent Mr. R.N. Reddy submits that against the impugned orders, an appeal lies under Section 7 (I) of the Act and that without availing the said remedy, the petitioner has approached this Court in a haste manner.

3. Since alternative efficacious remedy is provided under the Act, the petitioner is at liberty to file an appeal under Section 7 (I) of the Act, within a period of four weeks from today. Pending appeal, there shall be stay of all further proceedings pursuant to the order dated 30-11-2004 on condition of petitioner depositing 50% of the amount demanded within six weeks from today. Till such time, no coercive steps shall be taken by the respondents.

4. Subject to above observation, the writ petition is disposed of at the stage of admission.

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N. V. RAMANA, J

January 19, 2005

MRR / TVK

Copy to:

1 The Assistant Provident Fund Commissioner, Sub-Regional Officer, Warangal

2 The Enforcement Officer, E.P.F.O. District Office, Karimnagar

3 Two C.D. Copies.